

the litany of excuses and to give our veterans the health care they deserve. I again thank my friend from Pennsylvania, Mr. SPECTER, for his efforts, and the efforts and my colleague from West Virginia, Mr. ROCKEFELLER. I congratulate and thank the committee for its efforts. I look forward to the successful passage of S. 2358.

Mr. President, I thank my friend, Mr. SPECTER, for his courtesy in allowing me to proceed at this point. I now yield the floor.

Mr. SPECTER addressed the Chair.

THE PRESIDING OFFICER (Mr. SESSIONS). The Senator from Pennsylvania.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3506

(Purpose: To provide funding for the Comprehensive Nuclear Test Ban Treaty Preparatory Commission)

Mr. SPECTER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

THE PRESIDING OFFICER. If there is no objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER], for himself and Mr. BIDEN, proposes an amendment numbered 3506.

At the appropriate place in the bill, insert the following:

SEC. . Of the funds appropriated by this Act, or prior Acts making appropriations for foreign operations, export financing, and related programs, not less than \$28,900,000 shall be made available for expenses related to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission; Provided, That such funds may be made available through the regular notification procedures of the Committee on Appropriations.

Mr. SPECTER. Mr. President, this funding is very important so that the processing of the Comprehensive Test Ban Treaty may go forward. This treaty is an important component of nuclear arms control and nonproliferation policy.

On behalf of the United States, President Clinton signed the treaty on September 24, 1996, the day it was open for signature, and thereafter transmitted it to the Senate on September 22, 1997, for advice and consent or ratification.

The treaty has been signed by 149 nations, ratified by 15. The treaty will enter into force after 44 states specified in the treaty have ratified it. The initial signatories to the Comprehensive Test Ban Treaty established a preparatory commission to carry out the necessary preparations for implementation of the treaty as its entry into force. The preparatory commission will ensure that a verification regime is established that can meet the treaty's requirements.

The need for this treaty came into very, very sharp focus earlier this year

when on May 12 of 1998 we had the detonation of nuclear devices—actually it was on May 11—by India and two more on May 13. Then Pakistan responded with five tests on May 28 and one on May 30. The issues posed by India and Pakistan engaging in nuclear tests is one of overwhelming importance to the feuding which has been going on between those two countries for years and the possibility of nuclear war being initiated as a result of those two nations now having publicly announced their nuclear powers, having tested nuclear devices.

I saw firsthand the issues relating to these two countries when Senator Hank Brown and I visited both India and Pakistan back in August of 1995. On August 28, 1995, Senator Brown and I sent the following letter to President Clinton:

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistan Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we mentioned this conversation to Prime Minister Bhutto this morning—

That is on August 28—

She expressed great interest in such negotiations. When we told her of our conversation with Prime Minister Rao, she asked if we could get him to put that in writing.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

After sending that letter to President Clinton, I have had an opportunity to discuss the issue with President Clinton on a number of occasions, and the President has stated an interest in trying to work with both India and Pakistan. Of course, the President has communicated with both India and Pakistan, at least following their nuclear detonations. But that is a matter which I think might profitably involve substantial activity by the United States.

But the succession of events have followed so that in May of this year, the time had arisen for India to make a public disclosure, a public test, and

then it was followed immediately by Pakistan. It is a matter where those in India might well question the intensity of interest of the United States in the Comprehensive Test Ban Treaty when the United States is not a party to the Comprehensive Test Ban Treaty.

Mr. President, I ask unanimous consent that this letter of August 28, 1995, be printed in the RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SPECTER. Mr. President, I later wrote to the President on May 12 of 1998 enclosing a copy of that letter of August 28, 1995, urging him to move on the matter. I ask unanimous consent that a copy of this letter of May 12, 1998, be printed in the RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. SPECTER. Mr. President, on May 14, 1998, I wrote to Senator HELMS as follows:

I write to urge you to act as promptly as possible to conduct a hearing or hearings and to bring the Comprehensive Test Ban Treaty to the Senate floor for a ratification vote. In my judgment, the events of the past several days make that the Senate's number one priority.

Following India's nuclear tests, Pakistan is now preparing for similar tests. North Korea has stated its intention to move forward to develop nuclear weapons and Iran and Iraq are lurking in the background.

At a hearing before the Defense Appropriations Subcommittee yesterday, Secretary of Defense Cohen urged Senate consideration and ratification of the treaty.

As you know, the President submitted the treaty to the Senate on September 22, 1997, and the only hearings which have been held were conducted by the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on October 27, 1997, and March 18, 1998, and the Appropriations Subcommittee on Energy and Water Development on October 28, 1997.

I noted the comment in your letter to the President on January 21, 1998, that this treaty is very low on the Committee's list of priorities, and I also heard your staffer on National Public Radio this week state that the Foreign Relations Committee did not intend to move ahead on the treaty.

I am concerned that inaction by the Senate may have led the government of India to think that the United States is indifferent to nuclear testing which, I believe, is definitely not the case. The events of the past several days threaten an international chain reaction on the proliferation of nuclear weapons and an imminent threat to world peace.

From comments on the Senate floor and in the cloakroom, I know that many, if not most, of our colleagues share my concern about action on the treaty.

I realize that there is some opposition to the treaty; if it is the will of the Senate not to ratify, so be it; but at the very least, the matter should be submitted to the full Senate.

Sincerely,

ARLEN SPECTER.

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

THE PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mr. SPECTER. Mr. President, Senator HELMS has not responded to that letter. I think it appropriate to note Senator HELMS has been absent for some time because of important medical reasons—a knee replacement, I believe.

On May 19, Senator BIDEN and I circulated a "Dear Colleague" letter requesting cosponsors for a resolution urging hearings before the Senate Foreign Relations Committee and debate on the Senate floor. There are at this moment 36 cosponsors.

On July 21 of this year, I offered an amendment to the fiscal year foreign operations bill to remove the prohibition on funding for the Comprehensive Test Ban Treaty Preparatory Commission. That amendment was accepted. Mr. President, I believe that the inclusion of these funds is very, very important so that the Preparatory Commission can move forward. But I believe that this amendment has further significance as a test vote, so to speak, as to the views of the Senate on the Comprehensive Test Ban Treaty.

I have discussed with my distinguished colleague, Senator MCCONNELL, the chairman of the subcommittee, my interest in having a vote on this matter. I do so not only to strengthen the position in conference—as a practical matter, if a matter is accepted on a voice vote, there is not quite the punch as if there is a very substantial vote in favor of the amendment. And I do recognize that calling for a vote on the amendment—that any vote on the Senate floor is risky business to an extent, but I believe that a vote will have significance beyond the specific dollars and cents which are involved here.

It is my sense that arms control is a very, very important international issue at the present time, if not the most important issue. As we speak, President Clinton is meeting with Russian President Yeltsin in a very unstable situation in Russia. There are concerns as to what the future of the Government headed by President Yeltsin will be. There are concerns that the Communist Party may gain power in Russia. There are obvious concerns about what may happen to the Russian Government in the future and whether militaristic forces or reactionary forces might take control there, which could plunge the world into another arms race. So this issue with Russia is a very, very important one as we take a look at arms control.

We have the issues with China, an emerging power, and the need to limit, to the extent we can, activity by China on nuclear testing. We have the situation in North Korea where the reports are that they are moving back for their nuclear weapons. We have Iran and Iraq, emerging powers, with nuclear weapons. We have missiles being sold to Pakistan. There is a very dangerous, very unsafe world out there, to put it mildly.

I think it is an unfortunate situation that we have the Comprehensive Test Ban Treaty not moving forward in the Senate. Under the Constitution, Senate ratification is necessary if a treaty is to take effect. It would be my hope that the Foreign Relations Committee would hold hearings on the matter or make its own judgment, or bring the matter to the Senate floor, and let the full Senate work its will.

In the absence of activity there, this amendment—to repeat—has the effect of being a test vote, so to speak, although you can support the Preparatory Commission without necessarily being for the treaty, because we have to take these steps in any event.

Mr. President, I ask unanimous consent that Senator BIDEN be listed as my principal cosponsor on the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXHIBIT 1

U.S. SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, August 28, 1995.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I think it important to call to your personal attention the substance of meetings which Senator Hank Brown and I have had in the last two days with Indian Prime Minister Rao and Pakistani Prime Minister Benazir Bhutto.

Prime Minister Rao stated that he would be very interested in negotiations which would lead to the elimination of any nuclear weapons on his subcontinent within ten or fifteen years including renouncing first use of such weapons. His interest in such negotiations with Pakistan would cover bilateral talks or a regional conference which would include the United States, China and Russia in addition to India and Pakistan.

When we mentioned this conversation to Prime Minister Bhutto this morning, she expressed great interest in such negotiations. When we told her of our conversation with Prime Minister Rao, she asked if we could get him to put that in writing.

When we asked Prime Minister Bhutto when she had last talked to Prime Minister Rao, she said that she had no conversations with him during her tenure as Prime Minister. Prime Minister Bhutto did say that she had initiated a contact through an intermediary but that was terminated when a new controversy arose between Pakistan and India.

From our conversations with Prime Minister Rao and Prime Minister Bhutto, it is my sense that both would be very receptive to discussions initiated and brokered by the United States as to nuclear weapons and also delivery missile systems.

I am dictating this letter to you by telephone from Damascus so that you will have it at the earliest moment. I am also telefaxing a copy of this letter to Secretary of State Warren Christopher.

Sincerely,

ARLEN SPECTER.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 12, 1998.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: With this letter, I am enclosing a copy of a letter which I sent

to you dated August 28, 1995, concerning the United States brokering arrangements between India and Pakistan to make their subcontinent nuclear free.

You may recall that I have discussed this issue with you on several occasions after I sent you that letter.

In light of the news reports today that India has set off nuclear devices, I again urge you to act to try to head off or otherwise deal with the India/Pakistan nuclear arms race.

I continue to believe that an invitation from you to the Prime Ministers of India and Pakistan to meet in the Oval Office, after appropriate preparations, could ameliorate this very serious problem.

I am taking the liberty of sending a copy of this letter to Secretary Albright.

Sincerely,

ARLEN SPECTER.

EXHIBIT 3

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 14, 1998.

HON. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: I write to urge you to act as promptly as possible to conduct a hearing or hearings and to bring the Comprehensive Test Ban Treaty to the Senate floor for a ratification vote. In my judgment, the events of the past several days make that the Senate's number one priority.

Following India's nuclear tests, Pakistan is now preparing for similar tests. North Korea has stated its intention to move forward to develop nuclear weapons and Iran and Iraq are lurking in the background.

At a hearing before the Defense Appropriations Subcommittee yesterday, Secretary of Defense Cohen urged Senate consideration and ratification of the treaty.

As you know, the President submitted the treaty to the Senate on September 22, 1997, and the only hearings which have been held were conducted by the Governmental Affairs Subcommittee on International Security, Proliferation and Federal Services on October 27, 1997, and March 18, 1998, and the Appropriations Subcommittee on Energy and Water Development on October 28, 1997.

I noted the comment in your letter to the President on January 21, 1998, that this treaty is very low on the Committee's list of priorities, and I also heard your staffer on National Public Radio this week state that the Foreign Relations Committee did not intend to move ahead on the treaty.

I am concerned that inaction by the Senate may have led the government of India to think that the United States is indifferent to nuclear testing which, I believe, is definitely not the case. The events of the past several days threaten an international chain reaction on the proliferation of nuclear weapons and an imminent threat to world peace.

From comments on the Senate floor and in the cloakroom, I know that many, if not most, of our colleagues share my concern about action on the treaty.

I realize that there is some opposition to the treaty; if it is the will of the Senate not to ratify, so be it; but at the very least, the matter should be submitted to the full Senate.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. For the moment, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I say, for those on this side of the aisle who may have amendments, it is a good time to

bring them forward. Again, I hope, along with the distinguished chairman of the subcommittee, that we might be able to wrap up relatively soon on this piece of legislation. I mention that, for those who are sitting around wondering if there is anything better to be doing, that now is a good time to do it. Many have called; few are accepted. Now is the time to do it.

With that, Mr. President, and nobody else seeking recognition, I yield the floor.

RECESS

Mr. LEAHY. Mr. President, I ask unanimous consent that we now recess for our policy lunches.

There being no objection, at 12:27 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUESTS—PATIENTS' BILL OF RIGHTS

Mr. DASCHLE. Mr. President, I will not take long. I know that there are discussions ongoing.

Before we left for the August recess, Democrats made it very clear that it is essential that we not leave here before the end of the year without having taken up and passed the Patients' Bill of Rights. I think it is very clear, given the extraordinary degree of interest in the issue on both sides of the aisle, that there is an opportunity for us to complete our work on that bill. I hope we can do it sooner rather than later. I see no reason why we cannot do it within the course of the next couple of weeks.

I will propound a unanimous consent request that would allow us to do that. The request, very simply, would allow the Senate to take up the House-passed HMO reform bill, begin the debate, allow relevant amendments, and set the bill aside at the request of the majority leader to take up appropriations bills when they are ready to be considered. It takes into account the need for us to complete our work on appropriations bills, and it takes into account the high priority that both parties have put on dealing with this issue.

But I must say, for Democrats, that there cannot be a more important issue than the complete and successful conclusion of the debate on managed care and the Patients' Bill of Rights. We now have over 170 different organizations that have said they join us in supporting this legislation and recog-

nize the importance of passing it before we leave. All we have left is 6 weeks. Mr. President, it is critical that we complete our work, that we get this job done, that we do so in the remaining time we have, and that we allow a full debate given the differences we have on how we might approach this issue.

Mr. President, I ask unanimous consent that upon disposition of the foreign operations appropriations bill, the Senate proceed to consideration of Calendar No. 505, H.R. 4250, the House-passed health care reform bill; that only relevant amendments be in order; that the bill be the regular order, but that the majority leader may lay it aside for any appropriations bill or appropriations conference report which he deems necessary to consider between now and the end of this session of Congress.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I object.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I am very deeply disappointed that the Senator from Kentucky has seen fit to object to this.

We will continue to press this matter. We will look for other opportunities. I would much rather do it in an orderly fashion using the regular order to allow this to come up and be debated. But if we cannot do it that way, we will offer it in the form of amendments. One way or the other we will press for this issue. We will see it resolved, and see it resolved successfully, because I don't believe there is another issue out there this year that is of greater importance to the American people.

I would be happy to yield to the Senator.

Mr. KENNEDY. Mr. President, if the Senator will yield, as I understand it, the proposal that was made by the minority leader would have only permitted amendments that were relevant to the underlying measure, which would be the Patients' Bill of Rights, and that would have still granted to the majority leader the opportunity to move ahead, as we must, with the various appropriations bills, and appropriations conference reports.

As I understand, if the leader's proposal had been accepted, we would then have had the opportunity to consider this very important piece of legislation in an orderly way that would ensure adequate debate and discussion. The proposal would have ensured, if the Senator would agree, an opportunity to debate relevant amendments on critically important issues. It would have allowed the Senate to debate amendments that would ensure: that health care decisions are being decided by doctors rather than insurance company

accountants; that all women have access to appropriate specialists for the gynecological and obstetrician care that they need; that patients with life-threatening conditions have access to clinical trials; an effective end to gag practices that inhibit doctors from making medical recommendations and suggestions based on their patients' needs; that all patients have access to a meaningful and timely internal and external appeal, similar to what we have in Medicare, for example; and that the States themselves, if they so choose, to find further accountability for those who are going to practice medicine.

Am I correct that these elements were included in the legislation which the minority leader introduced, and that these are measures—along with others, that the minority leader thinks the Senate ought to have an opportunity to debate, discuss and vote upon—were based in part on the comments that have been made to the minority leader, I am sure, from people in his own State, and from representatives of the 170 leading patient and medical organizations in this country?

These are the groups that are supporting the leader's legislation, and they are supporting this action as well. And I understand that now the Republican leadership has just objected to our request to move forward to debate on health care legislation, on the Patients' Bill of Rights? Is that what we have just seen on the floor of the Senate?

Mr. DASCHLE. The Senator from Massachusetts is absolutely correct. First, to the point he made about relevancy, what our unanimous consent request would have done is simply allowed what we have attempted to negotiate with our Republican colleagues now for months, which is to allow a good debate about this issue and allow the opportunity for the Senate to decide on relevant amendments.

This may be one of the most comprehensive and most complicated medical issues that the Senate will address for a long period of time. It is impossible for us to address it in the way that has been suggested by some on the other side, that we have an up-or-down vote on two simple bills. There is nothing simple about them. These are very serious questions about holding health insurance companies accountable, about making sure that when a woman has a mastectomy she can be protected, about making absolutely certain that when you go into a pharmacy you have a drug that the doctor prescribed and not something that the health care company prescribed.

Those are the kinds of issues that we ought to have the opportunity to decide in a very careful way. So we offered a unanimous consent request that would have allowed for relevant amendments.

The Senator is absolutely right, as well, about the 170 organizations. In my time in the Senate on an issue of